

REMARKS

Claims 1-34 are pending. By this Amendment, claims 23-34 are cancelled without prejudice or disclaimer, claims 1-6, 10, 13 and 16 are amended and new claims 35-42 are added.

Claim Rejections Under 35 U.S.C. §§ 102(b) and 103

Claims 1-34 were rejected as anticipated under 35 U.S.C. § 102(b) by Maguire, et. al. '210. Further, claims 20 and 32 were rejected under 35 U.S.C. § 103 as obvious over Maguire, et. al. '210. In response, Applicant has amended independent claims 1, 2, and 10 to clarify and further define the claimed invention. Claims 23-34 have been canceled without any waiver or disclaimer of subject matter being intended or effected thereby. No new matter is added by these amendments.

Applicant respectfully submits that the block of Maguire et. al. '210 is significantly different in structure and function from the claimed invention. First, the block of Maguire, et. al. '210 is described and depicted as having multiple oval or round "knobs" on the top surface of the block. Corresponding "grooves" are formed in the bottom of the block to receive the knobs of a vertically adjacent block. These grooves and knobs are tightly dimensioned so that the knobs wedge in the grooves. See Maguire, et. al. '210, col. 3, ll. 5-9, 47-48. Also, the intermediate web portion of the Maguire, et. al. '210 block is relatively wide with respect to the front and rear portions, having "one or more holes 18" formed therein. See Maguire, et. al. '210, Figs. 1-4; col. 2, ll. 41-52. The relatively long, narrow grooves and tightly fitting knobs will tend to limit the radius of a retaining wall constructed with the Maguire, et. al. '210 blocks.

In contrast, the blocks of the present invention have a single polyhedral projection on the bottom of the block with a recess in the top of the block that is dimensioned so as to be

wider front to back than the projection. Also, the block has a relatively narrow, solid web portion. The polyhedral projection has an indexing surface and the recess has a corresponding stop surface in the recess and on the back surface of the front portion of the block. These features result in blocks that can be stacked in a retaining wall with the projections of an upper course of blocks engaged with the stop surfaces of the blocks in a lower course at any point along the stop surface. No other portion of the projection on the upper block contacts the lower block. This enables more flexibility in block placement, and in particular, enables a curved or serpentine retaining wall to be built with a much tighter radius than achievable with the blocks of Maguire et. al. '210.

Based on the foregoing, Applicant submits that Maguire et. al. '210 does not teach or suggest all elements of the claimed invention. As a result, the claimed invention cannot be anticipated or rendered obvious thereby. Applicant respectfully requests that these rejections be withdrawn.


Amendments to the Specification

Applicant has included amendments to paragraphs 0034, 0036, 0038, and 0040. The proposed amendments strike statements that certain features of the block of the present invention are not described. In that these features are in fact depicted in the accompanying figures and are mentioned in the detailed description, these statements are erroneous and should be stricken for purposes of clarity. Applicant respectfully submits that no new matter is introduced by these amendments.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley J. Thorson", with a stylized flourish at the end.

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